

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-092486

01/18/2005

HONORABLE CONNIE CONTES

CLERK OF THE COURT
M. Scott
Deputy

Atlas
DR Caption Choice
THOMAS R MITCHELL

FILED: 01/27/2005

TROY L BROWN

AND

KAREN R MITCHELL

CRAIG J SIMON

SUPPORT SERVICES-CCC

MINUTE ENTRY

On November 17, 2004 the Court took under advisement the issues of spousal maintenance and child support at the conclusion of the Evidentiary Hearing on temporary orders.

The Court has considered the testimony and evidence presented, the applicable statutory authority and case law, and all matters of record in ruling upon the remaining contested issues.

The Court finds that Mother is entitled to an award of spousal maintenance because she lacks sufficient property, including property apportioned to her, to provide for her reasonable needs, she is unable at this time to be self-sufficient through appropriate employment and lacks recent earning ability in the labor market adequate to be self-sufficient. The parties had a marriage of medium duration, and Mother is of an age and circumstance that may impede and/or preclude the possibility of her gaining employment adequate to be self-sufficient. The Court also has considered the comparative financial resources of the spouses, including their comparative earnings history and earnings abilities in the labor market as well as Mother's current mental health status.

IT IS THEREFORE ORDERED on a temporary basis that Father shall pay Mother spousal maintenance in the amount of \$550.00 each month, effective January 1, 2005 through the Support Payment Clearinghouse by automatic Wage Assignment.

Based upon the Court's ruling on the issue of spousal maintenance, the Court has prepared her own Child Support Worksheet which is filed with the Clerk of the Court herein.

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Based upon the findings and calculations incorporated therein, the Court finds that no award of child support is appropriate at this time.

IT IS THEREFORE ORDERED as a temporary order, that neither party shall pay child support at this time.

The Court has received Mother's Motion to Compel Discovery Responses and for Sanctions. Father has filed no Response thereto.

IT IS THEREFORE ORDERED granting the Motion to Compel and ordering that Petitioner, Thomas R. Mitchell, respond to Respondent's Discovery Request dated August 11, 2004, no later than January 31, 2005.

The issue of attorney's fees shall abide trial.

The Court has also received and reviewed Respondent/Mother's Motion for Contempt of Court and Father's Response thereto.

IT IS ORDERED that the issue of contempt shall abide trial.

The Court has received and reviewed the Parenting Conference Report dated January 12, 2005.

IT IS ORDERED adopting as an Order of the Court the parent's areas of full agreement as reflected in the Parenting Plan for Joint Legal Custody attached to the Parenting Conference Report.

IT IS FURTHER ORDERED adopting the Family Evaluator's recommendation that each parent be involved in personal counseling to assist each of them in resolving their adult/divorce issues in order to peacefully and cooperatively parent their daughter.

IT IS FURTHER ORDERED affirming the trial date of **March 11, 2005 at 1:30 p.m., for one-half day.**

/ s / HONORABLE CONNIE CONTES

JUDICIAL OFFICER OF THE SUPERIOR COURT

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All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.